



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **KUSUMOTO, Yasuyuki et al.**

Group Art Unit: 1745

Serial No.: 09/986,067

Examiner: **MARTIN, Angela J.**

Filed: **November 7, 2001**

P.T.O. Confirmation No.: 4732

For: **NON-AQUEOUS ELECTROLYTE BATTERY**

RESPONSE TO THE RESTRICTION REQUIREMENT
DATED JULY 15, 2003

RECEIVED
JUL 29 2003
GROUP 1700

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: July 28, 2003

Sir:

This paper is submitted in response to the Official Action dated **July 15, 2003**.

In the Action, restriction is required between Group (I), Claims 1-4, drawn to a battery comprising a positive electrode containing at least ferrite; and Group (II), Claims 5-7, drawn to a battery comprising a positive electrode containing at least FeS_2 ; or Group (III), Claims 8-12, drawn to a battery comprising a positive electrode containing a transition metal oxide having crystal structure of space group R3m.

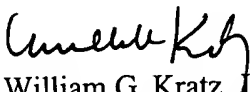
Applicants hereby elect the subject matter of Group (I), Claims 1-4 for prosecution in this application. This election is made without traverse, it being understood that the applicants' rights to the filing of a divisional application directed to the non-elected subject matter under 35 USC 120 and 35 USC 121 are retained.

In the event that this paper is not timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340.

In the event any additional fees are required in connection with this response, please charge our Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, WESTERMAN & HATTORI, LLP


William G. Kratz, Jr.
Attorney for Applicant
Reg. No. 22,631

WGK/nrp
Atty. Docket No. 011454
Suite 1000
1725 K Street, N.W.
Washington, D.C. 20006
(202) 659-2930



23850

PATENT TRADEMARK OFFICE